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C O N F I D E N T I A L SECTION 01 OF 02 PARIS 001761

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SUBJECT: SUDAN: GATHERING FRENCH SUPPORT

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Classified By: PolMC Kathleen H. Allegrone for reasons 1.4 (B & D).

11. (C) SUMMARY: S/WCI Ambassador Clint Williamson met with French presidential advisor Bruno Joubert in Paris on September 12 to discuss the results of Joubert's September 2 visit to Khartoum and gather support against Sudanese efforts to gain an Article 16 suspension in the UN Security Council (UNSC) on the possible indictment of President Bashir in the International Criminal Court (ICC). Seeking to allay USG concerns, Joubert said the GOF has offered Sudan "no deal" on the ICC. Rather, the French have told the Sudanese they must reform or face increased pressure from the international community. Joubert cautioned that if China or Sudan and its friends try to push through an Article 16 suspension, then the P-3 -- especially the USG with Latin American countries -- would have to exert substantial influence in the Security Council to ensure the support of the non-permanent members of the Council to secure an appropriate outcome. Joubert agreed that delaying a decision in the Security Council could add pressure to the Sudanese to reform, but cautioned that doing so for too long might allow them to "escape," which they have done repeatedly in the past. Joubert believes that African Union and Arab League countries -- who view the ICC as an arm of the West against the developing world -- might also complicate matters if a resolution was introduced in this year's UN General Assembly. He noted that since the threatened ICC indictment of Bashir several Sudanese officials are beginning to fear for their future, which could also help to bring about change in the country. END SUMMARY.

Unified P-3 Against Article 16 Suspension

12. (C) S/WCI Ambassador Clint Williamson met with French presidential advisor Bruno Joubert in Paris on September 12 to discuss the results of Joubert's September 2 visit to Khartoum (ref) and to gather support against Sudanese efforts to gain an Article 16 suspension in the UN Security Council (UNSC) on the possible indictment of President Bashir in the International Criminal Court (ICC). Williamson noted that Sudan had indicated through common allies that they were looking for fissures among the P-3, believing the U.S. was the only country pressing hard against an Article 16 suspension. He asserted that P-3 unity was desirable on this question so as not to embolden the Sudanese. He also cautioned Joubert that Sudan must not believe there was any sort of quid-pro-quo arrangement on the issue or that negotiations had begun and it was only a matter of agreeing on a deal. Williamson added that a final decision on an Article 16 deferral would likely be taken by President Bush personally and that he would likely set a very high threshold before even considering the possibility.

13. (C) Joubert said it was important to know there was a

possible presidential decision for the USG on a potential Article 16 suspension. He sought to allay USG concerns noting he had been firm with Khartoum during his September 2 visit, making clear that the bar had been raised very high and that there was no "deal" on ICC-related issues (ref). The Sudanese would have to show real proof of change and "not just words" or the international community would continue to come down hard on them, he said. He said while France and the UK did not yet have a formal position on the Article 16 suspension, the USG could assume that the GOF was on their side. Joubert also noted he was promised a "white paper" response from Khartoum regarding how they planned to implement changes, but in the 12 days since his trip he had yet to receive anything.

14. (C) Joubert cautioned that if China or Sudan and its friends try to push through an Article 16 suspension, then the P-3 would have to use its influence in the Security Council to ensure they were convinced to stay on our side. This would be especially important for the U.S. to influence non-permanent Council members from Latin American. Regarding the UN General Assembly (UNGA), Joubert said the African Union (AU) and Arab League countries were very sympathetic to the Sudanese because he said they see the ICC as biased against Africa. Joubert said that because of this it would be extremely difficult to change opinions, which could especially complicate matters if a resolution was introduced in this year's UNGA.

Pressuring Sudan to Change

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15. (C) Williamson noted it might work to the international community's advantage to delay a decision on the Article 16 suspension in the UNSC as long as possible, since this delay would keep pressure on Sudan to act. Joubert agreed but cautioned the need to be careful, timing everything well enough to pressure the Sudanese without giving them too much time to "escape," which he believed they have been doing all along. Joubert said since his first visit to the country as OCSE ambassador in April 2003, for example, Sudan has been continuously cheating the system. Joubert noted it was important to ensure that any ICC indictment against Bashir be handled separately from next steps regarding the two Sudanese officials already indicted by the ICC (ref).

Bashir's Inner Circle: Fear Brewing

16. (C) Reporting on his meetings in Khartoum, Joubert noticed that support for Bashir was not as strong as commonly viewed outside of Sudan. Since the threatened ICC indictment of Bashir there had been a lot of endless finger-pointing going on among the ruling elite. He said some officials were afraid for the first time about their future. Williamson asked about Bashir and his inner circle. Joubert said it was very difficult to penetrate, but all indications were that Bashir realizes that if he is indicted he is a "dead man, politically." Joubert believed that if one of them fell and was sent to the ICC -- presumably Bashir -- then the rest now realize they might follow. For this reason, they were keeping a united front, he said.
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